

## REMARKS

New Claim 36 is added. Claims 1-14 and 16-36 are pending. No new matter is added as a result of the claim amendments. Support for the claim amendments can be found at least on page 21, lines 8-18, of the application.

### 103 Rejections

According to the instant Office Action, Claims 1-14 and 16-35 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bindra, *electronic design* article dated November 6, 2000, "Programmable SoC Delivers a New Level of System Flexibility" (hereinafter, "Bindra").

In the instant Office Action, as well as in the prior Office Action, the Examiner appears to ignore the declaration that was submitted on October 25, 2006, a copy of which is attached. The Examiner has not addressed the issues presented in that declaration. The Examiner has not even acknowledged receipt of the declaration.

The Applicant respectfully requests that the Examiner consider and respond to that declaration.

The aforementioned declaration (copy attached) indicated that the PSoC Designer mentioned in Bindra was, as of the date of the Bindra reference, in development but was not reduced to practice, productized, in use or on sale. That declaration also indicated that the PSoC Designer mentioned in Bindra, as of the date of the Bindra reference, did not include the embodiments of the present invention as claimed. That declaration also indicated that the

embodiments of the present invention as claimed are not included in the PSoC Designer mentioned in Bindra because they were not yet implemented as of the date of the Bindra reference.

Despite the information introduced in that declaration, rejection of the claims based solely on the Bindra reference is maintained. Given the weakness of the Bindra reference – based on the Examiner’s statements of record – Applicant respectfully submits that a *prima facie* case for rejecting the claims under 35 U.S.C. § 103(a) has not been established.

Furthermore, according to the instant Office Action, the limitation at issue “is an enablement of a virtual block which is known in the art as the programming code or the code in the user module.” No basis – not even Official Notice – is provided for this conclusion.

To summarize, Applicant respectfully submits that Bindra does not show or suggest “automatically constructing source code,” specifically cited in independent Claim 1 and similarly recited in independent Claims 13, 17, 21, 25, 26 and 31. The Examiner appears to argue that this limitation already existed in the tool mentioned in the Bindra reference. However, the Examiner’s argument is in direct contradiction to the information submitted in the declaration mentioned above and attached herewith. The Examiner has not presented any evidence beyond baseless supposition in support of his argument, and has not provided any reason why the claimed invention is not patentable in light of that declaration.

In addition, the Applicant respectfully submits that information is being read into the Bindra reference that is not shown, taught, or suggested by that reference. The Applicant respectfully submits that the interpretation of Bindra being applied in the instant Office Action is strained and can be derived only through impermissible hindsight.

Applicant respectfully submits that, as a result of any or all of deficiencies presented above, a *prima facie* case of obviousness has not been established.

Furthermore, according to the instant Office Action, Claims 21 and 25 are rejected using the same rationale used to reject Claim 13. However, Claims 21 and 25 include limitations different from and in addition to the limitations of Claim 13, and therefore a different rationale should be provided. The Office Action fails to address all of the limitations of Claims 21 and 25, in derogation of, for example, M.P.E.P. § 2143.03.

In summary, Applicant respectfully submits that the basis for rejecting independent Claims 1, 13, 17, 21, 25, 26 and 31 under 35 U.S.C. § 103(a) is traversed and that these claims are in condition for allowance. Claims 2-12, 14, 16, 18-20, 22-24, 27-30 and 32-35 depend from either Claim 1, 13, 17, 21, 25, 26 or 31 and recite additional limitations, and therefore Applicant respectfully submits that Claims 2-12, 14, 16, 18-20, 22-24, 27-30 and 32-35 are also in condition for allowance as depending on allowable base claims.

### Conclusions

In light of the above remarks, reconsideration of the rejected claims is respectfully requested. Based on the arguments presented above, it is respectfully asserted that Claims 1-14 and 16-35, as well as new Claim 36, overcome the rejections of record and, therefore, allowance of these claims is solicited.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

MURABITO HAO & BARNES LLP



William A. Zarbis  
Reg. No. 46,120

Two North Market Street  
Third Floor  
San Jose, California 95113

(408) 938-9060

Date: 10|31|07

Attachment: Copy of Previously Submitted Declaration (4 pages)